

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
)	
-VS-)	
)	Criminal No. 05-141
TONY D. ATKINSON,)	
)	
Defendant.)	

AMBROSE, Chief District Judge.

FINDINGS OF FACT
CONCLUSIONS OF LAW
and
ORDER OF COURT

1. On July 16, 2004, Defendant entered PNC Bank at Fifth Avenue Place in Pittsburgh, Pennsylvania, where undisguised, he demanded and received money from three tellers.
2. Defendant fled the bank followed by a bank employee, several customers and security guards from the building housing the bank. One of the customers called 911 and detailed Defendant's location as she followed him.
3. Defendant entered a building where he was cornered and then escaped from the security guards.
4. Defendant then left the building and was observed by his pursuers throwing money on the ground.
5. Police in the vicinity saw Defendant running and managed to apprehend

him.

6. As Defendant was pulled to the ground and hand-cuffed by the police officers, they began to search him.

7. The search revealed large amounts of cash stuffed under Defendant's shirt. In addition, the officers searched Defendant's pockets and pilled out approximately \$9.00 from one of his pockets.

8. As the pocket money was pulled out Defendant stated that it was his money, not the bank's money and that he did not steal that money.

9. Defendant was never asked a question by the officers.

CONCLUSIONS OF LAW

1. None of Defendant's statements were made pursuant to any interrogation.

2. The police had probable cause to arrest Defendant as Defendant was continuously pursued by several witnesses from the time of the robbery to Defendant's arrest.

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AND NOW, this **11th** day of October, it is Ordered that the Motion to Suppress (Docket No. 45) is Denied.

Trial is scheduled for October 30, 2006 at 9:30 A.M. before the undersigned in Courtroom 3B. Voir dire and proposed jury instructions are due on October 20, 2006.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,
Chief U. S. District Judge